

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO**

IN RE:	:	Case No.: 18-62370
	:	
MATTHEW THOMAS SCHAEFER	:	Chapter: 13
JENNY LYNN SCHAEFER	:	
	:	JUDGE RUSS KENDIG
Debtors.	:	

**OBJECTION TO PROOF OF CLAIM FILED BY NEW REZ, LLC DBA SHELLPOINT
MORTGAGE SERVICING (CLAIM 31)**

Now come Debtors Matthew Thomas Schaefer and Jenny Lynn Schaefer, by and through counsel, pursuant to Rule 3007 of the Rules of Bankruptcy Procedure and respectfully objects to the Proof of Claim filed in this case by New Rez LLC dba Shellpoint Mortgage Servicing (hereinafter "Shellpoint"), PO Box 10826, Greenville, SC 29603-0826 (Claim No. 31), and in support hereof respectfully shows unto the Court the following:

1. This case was commenced by the filing of a petition and Chapter 13 Plan with the Clerk of this court on November 27, 2018.
2. The Chapter 13 plan has not yet been confirmed.
3. On February 5, 2019, Shellpoint filed proof of claim no. 31 asserting an amount owed of \$141,633.23 for a 2006 mortgage on property located at 117 Sherbrook Road.
4. The original mortgage lender was ABN Amro Mortgage Group, Inc.
5. Citimortgage, Inc was a successor by merger to ABN Amro
6. In accordance with the Assignment of Mortgage filed with the Richland County Recorder's Office on February 3, 2015, the mortgage was assigned to Green Tree Servicing, LLC.
7. The mortgage was later assigned to New Residential Mortgage LLC by assignment filed with the Richland County Recorder's Office on February 26, 2018.
8. Debtor Matthew Thomas Schaefer filed a prior bankruptcy in the Northern District of Ohio bearing case number 11-60745 on March 13, 2011.
9. Citimortgage, the prior mortgage lender, was listed as a creditor in Debtor's 2011 bankruptcy.
10. Debtor indicated his intent to surrender the real property at 117 Sherbrook on the Chapter 7

Individual Debtor's Statement of Intention.

11. Citimortgage filed a motion for relief from stay and abandonment that the Court granted on April 21, 2011.
12. Debtor did not reaffirm the mortgage on 117 Sherbrook.
13. Debtor received an Order of Discharge on July 12, 2011, that included the discharge of the Citimortgage debt.
14. In accordance with 11 U.S.C. § 524(a)(2), a discharge “Operates as an injunction against the commencement or continuation of an action, the employment of process, or an act, to collect, recover or offset any such debt as a personal liability of the debtor.”
15. Debtor objects to Proof of Claim 31 filed by Shellpoint as this debt was discharged in Debtor’s prior bankruptcy.
16. Shellpoint has violated the discharge injunction.

WHEREFORE, Debtors pray of the Court as follows:

- A. That the Court direct the Chapter 13 Trustee to strike the claim of New Rez LLC dba Shellpoint Mortgage Servicing (Claim 31);
- B. That New Rez LLC dba Shellpoint Mortgage Servicing be required to pay the sum of \$200.00 in legal fees and expenses and continuing to Rebecca K. Hockenberry, attorney for Debtor;
- C. That New Rez LLC dba Shellpoint Mortgage Servicing be found in contempt of the discharge injunction;
- D. Awarding Debtors punitive sanctions for violation of the discharge injunction; and
- E. That Debtors have such other and further relief as the Court may deem just and property.

Respectfully submitted,

/s/ Rebecca K. Hockenberry
Rebecca K. Hockenberry (0074930)
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NOTICE OF OBJECTION TO CLAIM

Debtors have filed an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to eliminate or change your claim, then on or before April 13, 2019, you or your lawyer must file with the court a written response to the objection, explaining your position at:

Clerk of Courts, US Bankruptcy Court

Ralph Regula Federal Building and U.S. Courthouse
401 McKinley Avenue, S.W.
Canton, Ohio 44702-1745

If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above. You must also send a copy to:

Rebecca K. Hockenberry, Esq.
Thompson & Hockenberry Co. LPA
371 Lexington Avenue
Mansfield, OH 44907

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim.

CERTIFICATE OF SERVICE

I certify that on March 12, 2019, a true and correct copy of the **OBJECTION TO PROOF OF CLAIM FILED BY NEW REZ, LLC DBA SHELLPOINT MORTGAGE SERVICING (CLAIM 31)** was served:

Via the court's Electronic Case Filing System on those entities and individuals who are listed on the court's Electronic Mail Notice List:

- Zachary E. Fowler, on behalf of Firelands Federal Credit Union, at fowlerz@firelandsfcu.org
- Cynthia A. Jeffrey, on behalf of Pennymac, at bknotice@reimerlaw.com
- Steven H. Patterson, on behalf of Ditech Financial, LLC at ohbk@rslegal.com, rsbkecfbackup@gmail.com; reisenfeld@ecf.inforuptcy.com
- Dynele L Schinker-Kuharich DLSK@Chapter13Canton.com, dschinkerkuharich@ecf.epiqsystems.com
- United States Trustee (Registered address)@usdoj.gov

And by regular U.S. mail, postage prepaid, on:

Capital One Auto Finance, a division of
Capital One, NA
c/o AIS Portfolio Services, LP
4515 N Santa Fe Avenue Dept. APS
Oklahoma City, OK 73118

PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541

New Rez LLC
dba Shellpoint Mortgage Servicing
PO Box 10826
Greenville, SC 29603-0826

NewRez, LLC
4000 Chemical Road, Suite 200
Plymouth Meeting, PA 19462
Attn: Kevin Harrigan, President & CEO

/s/ Rebecca K. Hockenberry
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